



Republic of the Philippines
DEPARTMENT OF LABOR AND EMPLOYMENT
EMPLOYEES' COMPENSATION COMMISSION
4th& 5th Floors, ECC Building, 355 Sen. Gil J. Puyat Avenue, City of Makati

Tel. No. 899-4251; 899-4252 • Fax. No. 897-7597 • E-mail: info@ecc.gov.ph • Website: http://www.ecc.gov.ph



Management
System
ISO 9001:2008

www.tuv.com
ID 9105081530

Ika-21 ng Abril 2017

Gng. GLORIA E. DE GUZMAN

Philex Mining Corp.
Padcal, Tuba, Benguet, 2603
SM-19595-0306-17

Mahal naming **Gng. DE GUZMAN**:

Ito po ay may kinalalaman sa inyong kahilingang benepisyo sa ilalim ng Employees' Compensation Law (P.D. 626, as amended).

Nais po naming ipabatid sa inyo na noong ika-31 ng Marso 2017, nagkaroon po ng desisyon ang tanggapanang ito na pagbigyan ang inyong kahilingan. Ang SSS na lamang po ang magbibigay ng inyong karampatang benepisyo.

Mangyari lang po na ipag-bigay-alam ninyo sa aming tanggapan kung natanggap na po ninyo ang inyong kaukulang benepisyo sa loob ng tatlung (30) araw matapos po ninyong tanggapin ang kopya ng desisyon.

Maraming salamat po.

Lubos na sumasainyo,


STELLA ZIPAGAN-BANAWIS
Executive Director



April 21, 2017

ELISA T. BAROQUE, M.D.
Department Manager III
Medical Operation Department
SOCIAL SECURITY SYSTEM
East Ave., Diliman, Quezon City

Dear **Dr. Baroque**:

We are transmitting herewith the entire record of the case of:

GLORIA E. DE GUZMAN vs. SSS
ECC CASE No. SM-19595-0306-17

The decision in the above-entitled case is a **REVERSAL** of the decision of the System and the same is accordingly transmitted to that office for enforcement. Pursuant to Article 182 (a) of P.D. 626 as amended, all awards granted by the Commission in cases appealed from the decisions of the System shall be effected **"within fifteen (15) days from receipt of notice thereof."**

This case was resolved through Board Resolution (BR) No. 17-03-13 dated March 31, 2017.

Very truly yours,


STELLA ZIPAGAN-BANAWIS
Executive Director



cc:

BRENDA P. VIOLA, MD
OIC – Medical Services Division
Social Security System (SSS)
East Ave., Diliman, Quezon City

Mrs. GLORIA E. DE GUZMAN
Philex Mining Corp.
Padcal, Tuba, Benguet, 2603
SM-19595-0306-17



GLORIA E. DE GUZMAN,
Appellant,

-versus-

ECC CASE No. SM-19595-0306-17

SOCIAL SECURITY SYSTEM (SSS),
Appellee.

x-----x

D E C I S I O N

This appeal seeks to review the Resolution No. 2016-E 0460 of the Social Security System-Medical Claims Review Committee (SSS-MedCRC), dated February 9, 2017, denying appellant's claim for death benefits, under the Employees' Compensation Law (P.D. No. 626, as amended), for the death of her husband due to Adenocarcinoma of the Lung (Lung Cancer).

From October 16, 1980 until his death on April 16, 2013, the deceased, Pablo N. De Guzman (SSS No.01-0251291-7), 59 years old at the time of his death and a former resident of Tuba, Benguet, was employed as Tailpond Maintainer of Philex Mining Corp., Tuba, Benguet.

Based on the Job Description, which was signed by Ms. Teresa Semeona F. Garcia, HR Supervisor (Wage & Salary Admin), the duties and responsibilities of the appellant include:

General Function:

Constructs, repairs and maintains wooden steel and concrete structures and pipelines; maintains the operations of Tailings dam Structures and Satellite Dam Structures; acts as Leadman in the absence of the Capataz

Duties and Responsibilities:

1. Fabricates wooden forms and bends reinforcing bars with their designed shapes as per plan and working drawings;
2. Installs and dismantles forms, braces, scaffoldings staging, reinforcing bars and other steel structures required in civil work construction;
3. Leads in the concreting activities such as mixing, pouring, compacting, curing and applies cement plasters on concrete surfaces when necessary;
4. Installs, repairs, and maintain launders, pipelines, culverts, spillways, canals, cyclones and conveyor, linings of drop boxes and launders;

5. Provides assistance to the Capataz in laying out batter boards of wooden and concrete structures and establishing grade lines of pipelines;
6. Assists the Capataz in the preparation of concrete batches;
7. Implements the 3Rs (recycle, re-use and reduce);
8. Performs basic welding, cutting and tinsmithry job;
9. Installs and extends drain pipes and places additional penstocks stop boards when necessary;
10. Maintains drainage canals and tailings pipelines always in good operating conditions;
11. Prepares reports on the conditions of drop boxes and cyclones;
12. Performs rip-rap works;
13. Performs excavations and back-filing activities;
14. Prepares and secures materials, tools, and equipment needed for the job;
15. Complies with established Standard Operating Procedures, Company Policies, Safety Rules and Regulations and Provisions of Collective Bargaining Agreement;
16. Attends safety meetings and seminars as required;
17. Performs other related jobs as maybe assigned by his immediate supervisor in the attainment of Tailing Dam Operating Objectives.

On November 9, 2011, the deceased was admitted at the Notre Dame de Chartres Hospital, Baguio City, due to difficulty of breathing. He was subjected to a laboratory examination and it was discovered that he had lung mass which was positive for malignant cells consistent with Adenocarcinoma. Personal history shows that he had history of cigarette smoking. He was diagnosed as a case of Bronchogenic Cancer, Adenocarcinoma.

On April 7, 2013, the deceased died at the Baguio General Hospital and Medical Center due to the following causes:

Immediate cause:	Acute Respiratory Failure secondary to Non-Small Cell Carcinoma Stage IV, Liver Metastasis
Antecedent cause:	Pneumonia in Immunocompromised Host
Underlying cause:	Chronic Obstructive Pulmonary Disease in exacerbation

Records reveal that during his lifetime, the deceased was granted SSS sickness benefits due to Acute Appendicitis, Bronchitis, and Lung Cancer. On account of the death of her husband, the appellant was granted SSS death benefits.

The appellant filed a claim for EC death benefits before the SSS Baguio City Branch (Branch). The Branch denied the claim on the ground of no causal relationship.

On February 9, 2017, the SSS-MedCRC sustained the denial through Resolution No. 2016-E 0460 reasoning that:

“...the claimant’s wife failed to provide data that will show the causal relationship between the employee’s nature of work and his cause of death. There was no proof that his death was related to his work or working conditions.”

On February 24, 2017, the Secretariat received the records of the claim from the SSS for review purposes. On March 17, 2017, this case was submitted to the Technical Review Committee (Committee) for initial deliberation. After due deliberation, the Committee decided to elevate this case to the Commission with a recommendation to grant EC death benefits to the appellant on the ground that the working conditions of the deceased increased the risks of contracting the fatal ailment. Tail ponds (heavy metal residues) in mining contain heavy deposit of heavy metals as a result of accumulated mining wastes (tailings); heavy metals residues in tail ponds include gold, silver, lead, cobalt, copper, chromium, manganese, iron, etc. Medical findings provide that heavy metals, such as chromium, are known carcinogen in occupational settings.

The appeal is meritorious.

Article 173 (formerly Art. 167) paragraph (1) of Presidential Decree (P.D.) No. 626, as amended, defines sickness as "any illness definitely accepted as an occupational disease listed by the Commission, or any illness caused by employment subject to proof that the risk of contracting the same is increased by working conditions." Section 1 (b), Rule III, of the Rules Implementing P.D. No. 626, as amended, provides that “for the sickness and the resulting disability or death to be compensable, the sickness must be the result of an occupational disease included under Annex “A” of these Rules (Amended Rules on Employees’ Compensation) with the conditions set therein satisfied; otherwise, proof must be shown that the risk of contracting the disease is increased by the working conditions.”

Medical findings reveal the etiology of Lung Cancer in this manner, to wit:

Carcinoma of the Lungs

- “...Non-small cell lung cancers accounts for about 80% of lung cancers, and of these, roughly 30% are squamous cell carcinoma.
- “Squamous cell carcinoma begins in the tissue that lines the air passages in the lungs. It is also known as epidermoid carcinoma. Most squamous cell carcinomas of the lungs are located centrally, usually in the larger bronchi that join the trachea to the lung. Squamous cell carcinomas are linked more strongly with smoking than other forms of non-small cell lung cancers, and are most common in men than in women. They tend to be slow-growing, and due to their location are often found earlier than other forms of lung cancer.
- “Common symptoms of lung cancer include a persistent cough, coughing up blood, and wheezing. Since squamous cell carcinomas tend to be located near the large airways, they often cause symptoms earlier than other forms of lung cancer. Obstruction of the airway can lead to infections such as pneumonia, or collapse of part of a lung (atelectasis).
- “The risk of all types of lung cancer, including squamous cell carcinoma, increase if you:
 - (a) “Smoke. Smoking cigarettes is by far the leading risk factor for lung cancer. In fact, cigarette smokers are 13 times more likely to develop lung cancer than non-smokers. Cigar and pipe smoking are almost as likely to cause lung cancer as cigarette smoking.
 - (b) “Breathe tobacco smoke. Non-smokers who inhale fumes from cigarettes, cigar and pipe smoking have an increased risk of lung cancer.
 - (c) “Are exposed to radon gas. Radon is a colorless, odorless radioactive gas formed in the ground. It seeps into the lower floor of homes and other buildings and can contaminate drinking water. Radon exposure is the second leading cause of lung cancer. It’s not clear whether elevated radon levels contribute to lung cancer in non-smokers. But radon exposure does contribute to lung cancer in smokers and in people who regularly breathe high amounts of the gas at work (miners for example). You can test radon levels in your home with a radon testing kit.
 - (d) “Are exposed to asbestos. Asbestos is a mineral used in insulation, fireproofing materials, floor and ceiling tiles, automobile brake linings, and other products. People exposed to asbestos on the job (miners, construction workers, shipyard workers and some auto mechanics) have a higher-than-normal risk of lung cancer. People who live or work in buildings with asbestos-containing materials that are deteriorating also have an increased risk of lung cancer. The risk is even higher in people who also smoke. Asbestos exposure also increases the risk of developing mesothelioma, a relatively rare and usually fatal cancer. It usually starts in the chest and resembles lung cancer.

Under Annex “A” (“*Occupational and Work-Related Diseases*”) of the Amended Rules on P.D. No. 626, as amended, for an occupational disease and the resulting disability or death to be compensable, all of the following conditions must be satisfied:

1. “The employee’s work and/or the working conditions must involve risk/s that caused the development of the illness;
2. “The disease was contracted as a result of the employee’s exposure to the described risks;
3. “The disease was contracted within a period of exposure and under such other factors necessary to contract it;
4. “There was no deliberate act on the part of the employee to disregard the safety measures or ignore established warning or precaution.”

Further, under Annex “A” of the said Rules, Lung Cancer is considered compensable only among vinyl chloride and plastic workers. Thus, substantial evidence must be shown that the risk of contracting the disease is increased by the working conditions.

In denying the claim, the SSS may have singled out the presence of history of cigarette smoking as the lone factor that precipitated the manifestation of the Lung Cancer of the deceased. However, this Commission differs with the evaluation of the SSS considering that the same has only considered the purely medical side of the case.

In the case of *GSIS v. Aurelia Y. Calumpiano* (G.R. No. 196102, November 26, 2014, citing the case of *GSIS vs. De Castro*, G.R. No. 185035, July 15, 2009) the Supreme Court ruled that:

“In any determination of compensability, the nature and characteristics of the job are as important as raw medical findings and a claimant’s personal and social history. This is a basic legal reality in workers’ compensation law...” (emphasis supplied)

The degree of proof required under P.D. No. 626, as amended, is merely substantial evidence, which means, *“such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”* What the law requires is a reasonable work-connection and not a direct causal relation. It is enough that the hypothesis on which the workmen’s claim is based is probable. Medical opinion to the contrary can be disregarded especially where there is some basis in the facts for inferring a work-connection. Probability, not certainty, is the touchstone. (italics supplied [Salalima vs. ECC and SSS, G.R. No. 146360, May 20, 2004])

- (e) “Are exposed to other cancer-causing agents at work. These include uranium, arsenic, vinyl chloride, nickel chromates, coal products, mustard gas, chloromethyl ethers, gasoline and diesel exhaust.

References:

1. www.healthsystem.virginia.edu/...cancer/overview.cfm
2. www.drugs.com/health-guide/squamous-cell-carcinoma-of-the-lung.html

Medical studies further illustrate the etiology of Lung Cancer in this manner, to wit:

Lung Cancer (Bronchogenic Carcinoma)

- “Cancer is the common term for all malignant tumors. It is an abnormal mass of tissue which rapidly grows and spreads to distant sites. In lung cancer, cancer-producing agents (carcinogens) cause toxic damage or long-standing (chronic) inflammation to the cells lining the airway and also the lung cells. There is invasion or destruction of the surrounding tissues. This leads to a rapid uncontrollable and uncoordinated growth of cancer cells which spreads into the other body organs (metastasis).

“The causes of Bronchogenic Cancer are the following:

1. “Tobacco smoking- average smokers of cigarettes have a tenfold greater risk of developing lung cancer, and heavy smokers consuming more than 40 cigarettes per day for several years have a 20-fold greater risk. Benzopyrene in cigarette tar can initiate carcinoma.
2. “**Industrial Hazards or Occupational exposure-**
 - a. “all types of radiation is carcinogenic
 - b. “asbestos exposure can cause lung cancer
 - c. “exposure to nickel, chromates, coal, mustard gas, arsenic, beryllium, iron in newspaper workers, **gold miners** and haloether workers.
3. “Inhalation of radioactive decay products such as radon.
4. “Hereditary factors- genetic predisposition to lung cancer exists.
5. “Role of scarring- lung cancers that arise near lung scars due to old infarcts, metallic foreign bodies, wounds and pulmonary tuberculosis scar.” (emphasis supplied)

Reference:

Robbins' Pathologic Basis of Disease, 6th Edition, pp 732-734; 741 – 745.

In this case, this Commission believes the presence of reasonable probability. From 1980 until his death in 2013 or for 33 years, the deceased had worked in a mining company as Tail Pond Maintainer. His working conditions entailed exposure to mining wastes (tailings). Medical findings have already established that industrial hazards or occupational exposure to heavy metals among miners could cause the development of Lung Cancer. Heavy metals residues in tail ponds include gold, silver, lead, cobalt, copper, chromium, manganese, iron, etc. They are known carcinogens in occupational settings.

Medical findings further provide:

- “Exposure to increasing amounts of metal (loid)s in environmental and occupational settings is a reality worldwide xxx Most metal (loid) s are very toxic...
- “Major health effects include development retardation, endocrine disruption, kidney damage, immunological and neurological effects, and several types of cancer...

Reference:

“Identifying Sources and Assessing Potential Risk of Exposure to Heavy Metals and Hazardous Materials in Mining Areas:” The Case Study of Panasquiera Mine (Central Portugal) as an example, Candeis et.al., Geosciences Journal, 2014 4 240-268, doi 10.3390/geosciences4040240

- “Chromium in hexavalent state, for instance Long-term inhalation exposure to various Cr (VI) compounds has been shown to result in a high-risk of carcinomas of the respiratory organs.”

Reference:

Physio-Chemical Charcateristics of Tailings from Grango Gold Mine, Asoy et. al., Journal of Chemical, Biological, and Physical Sciences, Section D, February-April 2017, Volume 7, No. 2, PP 201-207 E-ISSN 2249-1929

On October 9, 2011, the deceased was admitted in a hospital due to difficulty of breathing. On April 7, 2013, he died of fatal lung ailments. The pollutants emanated by heavy metals in the working conditions of the deceased may have contributed to the worsening of his already weak respiratory system. His continuous exposure to these factors may have led to the development of his cancer of the lungs which, eventually, led to his death.

WHEREFORE, the appealed decision is hereby **REVERSED** and the SSS is ordered to **grant EC death with funeral benefits** to the qualified beneficiaries of the deceased.

SO ORDERED.

CITY OF MAKATI

March 31, 2017.



BOARD RESOLUTION NO. 17-03-13

Approving the Recommendations of the Technical Review Committee (TRC) on Ten (10) EC Appealed Cases from the SSS

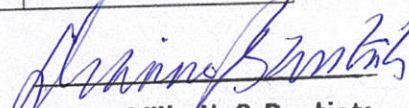
WHEREAS, Article 186 (formerly 180) of P.D. No. 626, as amended, partly provides:

“ART. 186. Settlement of Claims.- The System shall have original and exclusive jurisdiction to settle any dispute arising from this Title with respect to coverage, entitlement to benefits, collection and payment of contributions and penalties thereon, or any other matter related thereto, subject to appeal to the Commission...” (emphasis supplied)

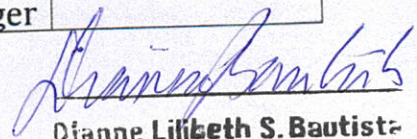
WHEREAS, on March 17, 2017, the Technical Review Committee (TRC) has deliberated on the following EC appealed cases from the SSS:

I. SSS (Medical Cases)

<i>Title of the Case/ Nature of Appeal</i>	<i>TRC Recommendation</i>	<i>End of 20 working days PCT</i>
<p>I.1. ALABASTRO, Romeo A. vs. SSS</p> <p>(SM-19589-0306- 17)</p> <p>Nature of claim: <i>disability benefits due to Febrile Neutropenia; Nasopharyngeal Cancer; Pneumonia in the Immunocompromised; Septic Shock; Acute</i></p>	<p>For Award</p> <p>Basis for Award:</p> <p>There is a reasonable probability that the exposure of the appellant to toxic chemicals/minerals at his places of assignment abroad (gas and coal power plants) could have caused the manifestation of his illness.</p>	<p>April 3, 2017</p> <p>CERTIFIED TRUE COPY</p>

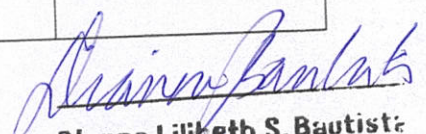

Dianne Lilibeth S. Bautista
 Board Secretary III

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
<p><i>Renal Failure</i></p> <p>Occupation of the covered member: Assurance Group Manager (Mechanical Engineer, Shi Designing and Manufacturing Corp.)</p>		
<p>I.2. MALAVEGA, Arnold R. vs. SSS</p> <p>(SM-19590-0306-17)</p> <p>Nature of claim: <i>disability benefits due to Medial Meniscal Tear</i></p> <p>Occupation of the covered member: Room Service Attendant (Phil. Transmarine Carrier)</p>	<p>For Award</p> <p>Basis for award</p> <p>There is a reasonable probability that despite the absence of any injury, the working conditions of the appellant in cruise ship, which entailed repeated squatting and/or changing of knee position, increased his risk of contracting the claimed ailment.</p>	<p>April 3, 2017</p>
<p>I.3. MORALLOS, Levy B. vs. SSS</p> <p>(SM-19591-0306-17)</p> <p>Nature of claim: <i>disability benefits due to Pneumoconiosis; Pulmonary Tuberculosis (PTB)</i></p> <p>Occupation of the covered member: Shift</p>	<p>For Award</p> <p>Basis for award</p> <p>There is a reasonable probability that the exposure and/or continued inhalation of mineral dusts of the appellant at his work-place could have caused the manifestation of his Pneumoconiosis despite the late diagnosis of the said illness taking into consideration the longer</p>	<p>April 3, 2017</p> <p>CERTIFIED TRUE COPY</p>

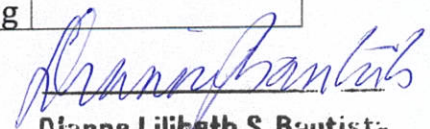

Dianne Lilibeth S. Bautista
Board Secretary III

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
Patrol (Philex Mining Corp.-Poro Point Installation)	latency period of Pneumoconiosis.	
<p>I.4. DE GUZMAN, Gloria E. vs. SSS</p> <p><i>(Pablo N. De Guzman-deceased)</i></p> <p>(SM-19595-0306-17)</p> <p>Nature of claim: <i>death benefits due to Adenocarcinoma of the Lung</i></p> <p>Occupation of the covered member: Tail Pond Maintainer (Philex Mining Corp.-Poro Point Installation)</p>	<p style="text-align: center;">For Award</p> <p>Basis for award: The working conditions of the deceased increased the risks of contracting the fatal ailment; tail ponds (heavy metal residues) in mining contain heavy deposit of heavy metals as a result of accumulated mining wastes (tailings); heavy metals residues in tail ponds include gold, silver, lead, cobalt, copper, chromium, manganese, iron, etc.; medical findings provide that heavy metals, such as chromium, are known carcinogens in occupational settings.</p>	April 3, 2017
<p>I.5. NG, Philip S. vs. SSS</p> <p>(SM-19588-0306-17)</p> <p>Nature of claim: <i>disability benefits due to Seizure Disorder</i></p> <p>Occupation of the Covered Member: Payroll/Novell System Administrator (Laguna Carparts Manufacturing, Inc.)</p>	<p style="text-align: center;">For Denial</p> <p>Reasons for denial: No causal relationship/no employer-employee relationship;</p> <p>-the appellant retired from his employment in 2013 but his ailment was diagnosed only in 2015.</p> <p>- Based on medical findings, the following are the causes of Seizure:</p> <ol style="list-style-type: none"> 1. Head Trauma; 2. Genetic Disorders; 	April 3, 2017

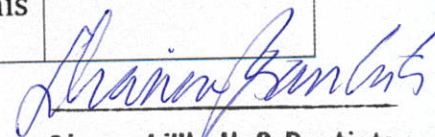
CERTIFIED TRUE COPY


Dianne Lilibeth S. Bautista
 Board Secretary III

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
	<p>3. Infection; 4. Brain Tumor; 5. Illicit Drug Use; 6. Idiopathic (unknown cause); 7. Alcohol withdrawal; 8. Cerebrovascular Disease; 9. Metabolic disorders (uremia, hepatic failure, electrolyte abnormalities, hypoglycemia); 10. Alzheimer's Disease and other Degenerative Central Nervous System (CNS) disorders.</p> <p>(Reference: Harrison's Principles of Internal Medicine, 14th ed., Companion Handbook, p. 999)</p> <p>-There is no substantial evidence showing that the appellant sustained a head trauma while he was in the performance of his duties. Neither there is showing that his working conditions increased the risk of contracting his illness.</p>	
<p>1.6. ESPINA, Carina M. vs. SSS (SM-19592-0306-17)</p> <p>Nature of claim: <i>disability benefits due to Adenocarcinoma of the</i></p>	<p>For Denial</p> <p>Reason for denial: No causal relationship; non-satisfaction of condition for compensability of Lung Cancer; neither there is showing that the working</p>	<p>April 3, 2017</p> <p>CERTIFIED TRUE COPY</p>

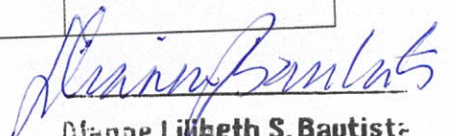

Dianne Lilibeth S. Bautista
 Board Secretary III

Title of the Case/ Nature of Appeal	TRC Recommendation	End of 20 working days PCT
<p><i>Lung (Lung Cancer)</i></p> <p>Occupation of the Covered Member: HR Officer (Pepsi Cola Co.)</p>	<p>conditions of the appellant increased the risk of contracting her illness.</p>	
<p>I.7. LIRAZAN, Ma. Christina O. vs. SSS</p> <p>(Mirasol F. Osal-deceased)</p> <p>(SM-19593-0306-17)</p> <p>Nature of claim: <i>death benefits due to Stroke in the Young, Cerebrovascular Disease bleed, left basal ganglia, in completed Uncal Herniation</i></p> <p>Occupation of the Covered Member: Bingo Card Allocator (South Entertainment Gallery)</p>	<p>For Denial</p> <p>Reason for denial: No causal relationship; non-satisfaction of any of the conditions for compensability of Cerebrovascular Disease; neither there is showing that the working conditions of the deceased increased the risk of contracting her fatal illness.</p>	<p>April 3, 2017</p>
<p>I.8. SALES, Antonio S. vs. SSS</p> <p>(SM-19594-0306-17)</p> <p>Nature of claim: <i>disability benefits due to Hypertensive Cardiovascular Disease; Valvular Heart Disease; Hyperthyroidism</i></p>	<p>For Denial</p> <p>Reasons for denial: non-satisfaction of any of the conditions for compensability of Cardiovascular Diseases; the appellant's diabetic condition which was enhanced by his history of cigarette smoking caused the manifestation of his heart ailment.</p>	<p>April 3, 2017</p> <p>CERTIFIED TRUE COPY</p>



Dianne Lilibeth S. Bautista
Board Secretary III

<p>Title of the Case/ Nature of Appeal</p>	<p>TRC Recommendation</p>	<p>End of 20 working days PCT</p>
<p>Occupation of the Covered Member: Interfolder Machine Operator (SCA Hygiene Products Corp.)</p>	<p>- The risk factors of Hyperthyroidism (excessive secretion of thyroid hormone), Graves' Disease, excess iodine, inflammation of the thyroid, tumors of the testes, benign tumors of the thyroid or pituitary gland, and large amount of tetraiodothyronine taken through dietary supplements or medications, are not related to the working conditions of the appellant.</p>	
<p>I.9. EVANGELISTA, Estrelita S. vs. SSS (Noel C. Evangelista-deceased) (SM-19597-0306-17) <i>Nature of claim: death benefits due to Acute Myocardial Infarction; Neuro-ischemic Foot Ulcer; Massive Gastrointestinal Bleeding; Chronic Kidney Disease secondary to Diabetic Nephropathy</i> Occupation of the Covered Member: Admin Asst./Advocacy Staff (International Dialogue, Inc [IID])</p>	<p>For Denial Reason for denial: no causal relationship; the diabetic condition of the deceased, which was enhanced by his history of cigarette smoking for 30 years, caused the development of his fatal ailments. -The causes of death, Acute Myocardial Infarction; Neuro-ischemic Foot Ulcer; Massive Gastrointestinal Bleeding; Chronic Kidney Disease secondary to Diabetic Nephropathy, emphasizes that complications.</p>	<p>April 3, 2017</p> <p>CERTIFIED TRUE COPY</p>


Dianne Lilibeth S. Bautista
 Board Secretary III

<i>Title of the Case/ Nature of Appeal</i>	<i>TRC Recommendation</i>	<i>End of 20 working days PCT</i>
<p>I.10. PASION, Rodel E. vs. SSS</p> <p>(SM-19599-0314- 17)</p> <p><i>Nature of claim: disability benefits due to Pulmonary Tuberculosis (PTB)</i></p> <p>Occupation of the Covered Member: Forklift Operator (Pepsi-Cola Products Philippines, Inc., City of San Fernando, Pampanga)</p>	<p>For Denial</p> <p>Reason for denial: no causal relationship; non-satisfaction of any of the conditions for compensability of PTB; neither there is showing that the working conditions of the appellant entailed exposure to tuberculosis infection.</p>	<p>April 11, 2017</p>

WHEREAS, considering that this Commission is mandated to resolved EC appealed cases within the period of 20 working days, the abovementioned EC appealed cases are deemed resolved on the date of start of routing, or on March 31, 2017, by the Secretariat of this Resolution to the other members of the Commission for purposes of compliance with the prescribed 20 working day PCT;

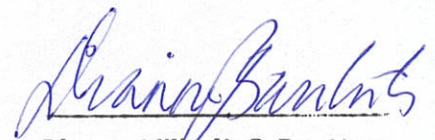
ON THE BASIS OF THE CONCURRENCE OF THE MEMBERS OF THE COMMISSION

This Commission **RESOLVES AS IT HEREBY RESOLVED** that the recommendations of the TRC in the abovementioned cases be approved:

RESOLVED FURTHER, that the entire original records of the following cases;

1. **ALABASTRO, Romeo A. vs. SSS (SM-19589-0306-17);**
2. **MALAVEGA, Arnold R. vs. SSS (SM-19590-0306-17);**
3. **MORALLOS, Levy B. vs. SSS (SM-19591-0306-17);**
4. **DE GUZMAN, Gloria vs. SSS (SM19595-0306-17)**
(Pablo N. De Guzman-deceased)

CERTIFIED TRUE COPY

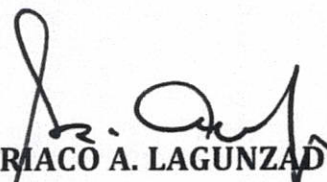


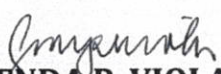
Dianne Lilibeth S. Bautista
Board Secretary III

be remanded to the SSS for enforcement of Decisions of this Commission on the abovementioned cases ordering the SSS to grant EC benefits to the appellants and/or to the qualified beneficiaries of the covered member;

RESOLVED FINALLY, that SSS be duly furnished with copies of this Resolution and Decisions on the abovementioned cases for compliance and guidance purposes.

APPROVED, in Makati City, 31st day of March 2017.


CIRIACO A. LAGUNZADHI
Chairperson-Alternate
Department of Labor and Employment


BRENDA P. VIOLA
Member-Designate
Social Security System

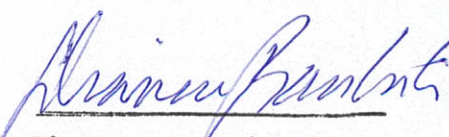

DIONISIO C. EBDANE, JR.
Member-Designate
Government Service Insurance System


CARLITO P. ROBLE
Member
Employees' Sector

VACANT
(In Transition)
Member-Designate
Philippine Health Insurance Corporation


STELLA ZIPAGAN-BANAWIS
Member
Employees' Compensation Commission - Secretariat

CERTIFIED TRUE COPY


Dianne Lilibeth S. Bautista
Board Secretary III